

1 HONORABLE RICHARD A. JONES  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12

11 UNITED STATES DISTRICT COURT  
12 WESTERN DISTRICT OF WASHINGTON  
13 AT SEATTLE

14 CITY OF SEATTLE,

15 Plaintiff,

16 v.

17 MONSANTO COMPANY, *et al.*,

18 Defendants.

Case No. 2:16-cv-00107-RAJ

**ORDER ADOPTING REPORT  
AND RECOMMENDATION**

19  
20 The Court, having reviewed the Report and Recommendation of the Honorable  
21 Michelle L. Peterson, United States Magistrate Judge, any objections thereto, and the  
22 remaining record, hereby finds and ORDERS as follows:  
23  
24

(1) The Report and Recommendation is approved and adopted;

(2) Defendants Monsanto Company, Solutia Inc., and Pharmacia Corporation's  
25 ("Defendants") Motion for Summary Judgment (dkt. # 326) is **DENIED** as to the discreet  
26 issues of: (1) whether the State of Washington released Plaintiff City of Seattle's ("City")  
27 intentional public nuisance claim when it settled its PCB lawsuit against Defendants in  
28

ORDER – 1

1 June 2020; and (2) whether res judicata otherwise bars the City's public nuisance claim.

2 (3) The Clerk is directed to send copies of this Order to the parties.

3 DATED this 6th day of July, 2023.

4

5   
\_\_\_\_\_  
6

7 The Honorable Richard A. Jones  
8 United States District Judge  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28